

REMARKS

Claims 1-7 and 12-39 are pending in this application. Claims 1-7 and 12-39 currently stand rejected, and claims 1, 3, 4, 12-15, 17, 18, 23, 24, 29, 30, 35, and 36 have been amended. Reconsideration and allowance of the present application are respectfully requested in light of the preceding amendments and following remarks.

Examiner Interview

Applicants thank Examiner Choi for his time and consideration in granting the interview of August 28, 2009. During the interview the parties discussed the current rejections to the claims under § 102 and the Maruyama reference. Applicants presented a proposed amendment to overcome Maruyama by precluding interpretation of the user-defined program chain in Maruyama as the recited “playitem” and “sub-playitem.” The Examiner indicated that, while the amendment appeared to overcome FIG. 27 of Maruyama, further consideration of the remainder of the Maruyama reference would be required, given the breadth of the claim. Applicants have amended the claims in accordance with the proposed amendment, and provided remarks below discussing why Maruyama, in its entirety, does not teach or suggest the claims as amended.

Rejection under 35 U.S.C. §102

Claims 1-7 and 12-39 stand rejected under 35 U.S.C. §102(e) as being anticipated by US Pat 6,385,389 to Maruyama et al. ("Maruyama"). Applicants respectfully traverse this rejection for the reasons detailed below.

With regard to claim 1, Applicants initially note that the claim has been amended to recite "the playitem managing the still images and the sub-playitem managing the audio data so as to permit **independent reproduction of the still image and the audio data.**" Where Maruyama, in FIG. 27, discloses a user-defined program chain (PGC 1446), the program chain links VOBUs to be reproduced sequentially. *See* Maruyama, Col. 35, ll. 51-61. Maruyama's **audio** and **video** packs are stored together in VOBU cells, such that all audio and video packs therein are reproduced in each VOBU cell linked by the PGC. *See* Maruyama, FIG. 27, elements 1441, 1425, and other packs within each cell. At most, Maruyama discloses a VOBU cell corresponding to a single video pack in FIG. 27. Because PGCs identify only whole VOBU cells containing audio *and* video sectors or just video sectors for reproduction, they cannot ever identify or otherwise manage just the still images or audio data therein independently. That is, the **audio and still images will always be reproduced dependently** in Maruyama. Thus, the PGC of Maruyama cannot disclose the playitem and sub-playitem as recited in claim 1 as amended. No other data items in Maruyama ever reference/manage individual audio or still image sectors.

Because Maruyama fails to disclose each and every element of claim 1 as amended, Maruyama cannot anticipate or render obvious claim 1. Claims 12-15 recite the same unique feature as amended claim 1 discussed above and are thus equally allowable over Maruyama. Claims 2-7 and 16-39 are allowable at least for depending from a valid base claim. Withdrawal of the rejection under § 102(e) to claims 1-7 and 12-39 is respectfully requested.

Provisional Claim Rejections - Double Patenting

Claims 1-7 and 12-39 stand provisionally rejected under nonstatutory obviousness-type double patenting as being unpatentable over claims in co-pending Application No. 10/766,211 in view of Maruyama. Applicants will address this rejection should it become non-provisional when either the present or co-pending application have issued and the final status of the claims may be assessed.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
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